



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,934	09/29/2003	Mark Christopher Long	111855.00003	5177

26707 7590 02/07/2007
QUARLES & BRADY LLP
RENAISSANCE ONE
TWO NORTH CENTRAL AVENUE
PHOENIX, AZ 85004-2391

EXAMINER

MYINT, DENNIS Y

ART UNIT PAPER NUMBER

2162

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/674,934

Applicant(s)

LONG, MARK CHRISTOPHER

Examiner

Dennis Myint

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Applicant's Amendment, filed on 28 September 2006.
2. In the Amendment filed on 28 September 2006, claims 1, 10, 21, 25, and 30 were amended. Claims 1, 10, 21, 25, and 30 are independent claims. As such, Claims 1-31 are pending in this application. This office action is made final.
3. The applicant's arguments filed on 28 September 2006 have been fully considered but are moot in the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Haynes et al., (hereinafter "Haynes") (U.S. Patent Application Publication Number 2005/0261986).

As per claim 1, Haynes is directed to a method of matching vehicle ratings to rental equipment using a central database (Haynes, Paragraph 0015), comprising:

"storing vehicle information and rental equipment information in the central database" (Haynes et al., Paragraph 0054, i.e., *A first program module which may access rental rate information, which may be stored as a portion of the truck information 28 in a relational database ... and Figure 1: Backend and Truck Information 28*);

"providing a website for a user to specify a description of a vehicle" (Haynes, Paragraph 0053, i.e., *a web server 12 and .. to respective web browsers of each computer associated with each respective user*; Paragraph 0052, i.e., *The computer-based system 10 includes a server for processing **user inputs** form user's computer to provide expert-based guidance to rent a selected truck*; Paragraph 0052, i.e., *The service responds to the user inputs by accessing a respective data set **corresponding to user inputs***; Paragraph 0054, i.e., *....(b) towing accessories that can be rented and towed vehicles with which the towing accessories can be used*; Paragraph 0054, i.e., *The first program module may also access the information on the **towability of a vehicle** from a towing table*);

"searching the central database based on vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the user-specified vehicle by a computer-implemented comparison of

the rental information to the vehicle information" (Haynes, Paragraph 0053, i.e., *processing user inputs and for accessing a memory storing a plurality of data sets*; Haynes, Paragraph 0053, i.e., *a web server 12 and .. to respective web browsers of each computer associated with each respective user*; Paragraph 0052, i.e., *The computer-based system 10 includes a server for processing **user inputs** form user's computer to provide expert-based guidance to rent a selected truck*; Paragraph 0052, i.e., *The service responds to the user inputs by accessing a respective data set corresponding to user inputs*; Paragraph 0054, i.e.,(b) *towing accessories that can be rented and **towed vehicles with which the towing accessories can be used***; Paragraph 0054, i.e., *The first program module may also access the information on the **towability of a vehicle** from a towing table*) "wherein the computer-implemented method selects the rental equipment information and vehicle information, including height of the vehicle and hit assembly, length and width of the vehicle, weight ratio, electrical wiring harness, ground clearance, engine size, drive configuration, wheel base, and towing capacity" (Haynes, Paragraph 0052, i.e., *a plurality of user-accessible data sets of truck-related information including **types of trucks** and associated rental prices*; Paragraph 0054, i.e.,(b) *towing accessories that can be rented and **towed vehicles with which the towing accessories can be used***; Paragraph 0054, i.e., *The first program module may also access the information on the **towability of a vehicle** from a towing table*; Paragraph 0054, i.e., *A first program module may access rental rate information, which may be stored as a portion of the truck information 28 in a relation al database including approximately 51,000 headers and over 4 million detail*

Art Unit: 2162

*records, for storing **truck types, sizes, and cost for rental**; Paragraph 0058, i.e., The towing table 34 may store data structures shown, for example, in FIG.30 for retaining vehicle, such as the sample **towability** records for specific vehicles in FIGS. 31A-31C which use data codes and comments shown in FIG. 32 for providing towability advice; Paragraph 0059, i.e., The expertise-based data set includes a table 34 of vehicle towing information. Through an Internet browser and respective ISP, a user 24 may select equipment including a selection of a truck for rental and a selection of a vehicle type for towing by the selected truck, and in response the server 12 accesses the towing table 34 to determine if the select vehicle is capable of being towed by the selected truck, and to generate a towing advice indication to the user as to whether the selected truck is appropriate for towing the selected vehicle, with such towing advice indications being sent to the user's computer through the communication interface; Haynes, FIG 32, i.e., too wide, check wheelbase, drive line too difficult disconnect, tires too large/small, check ground clearance, disconnect drive shaft, wheelbase too long).*

"displaying the compatible rental equipment on the website" (Haynes, Paragraph 0058, i.e., with such towing advice indications being sent to the user's computer through the communication interface).

As per claim 2, Haynes teaches the limitation:

"wherein the description of the vehicle includes make, model, and year of the vehicle" (Haynes, FIG., 31A, FIG., 31B, FIG., 31C).

As per claim 3, Haynes teaches the limitation:

“further including the step of providing a webpage to enter the make, model, and year of the vehicle” (Haynes, Paragraph 0053, i.e., *a web server 12 and .. to respective web browsers of each computer associated with each respective user; and FIG., 31A, FIG., 31B, FIG., 31C*).

As per claim 4, Haynes teaches the limitation:

“wherein the vehicle information in the central database includes physical characteristics of the vehicle (Haynes et al., Paragraph 0054, i.e. “truck types, sizes...” etc.; FIG., 31A, FIG., 31B, FIG., 31C; and Paragraph 0054, i.e., *A first program module may access rental rate information, which may be stored as a portion of the truck information 28 in a relational database including approximately 51,000 headers and over 4 million detail records, for storing **truck types, sizes, and cost for rental***).

As per claim 5, Haynes teaches the limitation:

“wherein the physical characteristics of the vehicle include height, width, length, weight, and ground clearance. (Haynes et al., Paragraph 0054, i.e. “truck types, sizes...” etc.; FIG., 31A, FIG., 31B, FIG., 31C; and Paragraph 0054, i.e., *A first program module may access rental rate information, which may be stored as a portion of the truck information 28 in a relational database including approximately 51,000 headers and over 4 million detail records, for storing **truck types, sizes, and cost for rental**; and Haynes, FIG 32, i.e., *too wide, check wheelbase, drive line too difficult**

Art Unit: 2162

disconnect, tires too large/small, check ground clearance, disconnect drive shaft, wheelbase too long).

As per claim 6, Haynes teaches the limitations:

“wherein the physical characteristics of the vehicle are compared to physical characteristics of the rental equipment to determine compatibility between the vehicle and the rental equipment” (Haynes et al., Paragraph 0058, i.e., “The towing table 34 may store data structures shown, for example, in Fig. 30, for retaining vehicle information, such as the sample towability records for specific vehicles...” and “a user 24 may select equipment including a selection of a truck for rental and a selection of a vehicle type for towing by the selected truck, and in response the server 12 accesses the towing table 34 to determine if the selected is capable of being towed by the selected truck, and to generate a towing advice indication to the user as to whether the selected truck is appropriate for towing the selected vehicle...”).

As per claim 7, Haynes teaches the limitation:

“wherein the central database resides on a first computer system” (Haynes, Figure 1: *Backend and Truck Information 28*).

As per claim 8, Haynes teaches the limitation:

“further including entering the description of the vehicle on a second computer system remote from the first computer system, sending the description of the vehicle to the first computer system through a communication network, sending a listing of the

Art Unit: 2162

compatible rental equipment to the second computer system through the communication network, and displaying the listing of the compatible rental equipment on the second computer system" (Paragraph 0052, i.e., *The computer-based system 10 includes a server for processing **user inputs** form user's computer to provide expert-based guidance to rent a selected truck*). Note that the method and system of Haynes is a web-based system. Therefore, there is at least a web server connected to the backend server (first computer) and the user's computer where a web browser is run to make reservation for rental equipment.

As per claim 9, Haynes teaches the limitation:

"further including determining a need for additional information based on a search of the central database with the description of the vehicle and requesting the additional information from a user operating the second computer system". Official note is taken that requesting for information, which is additionally needed for a search, is notoriously well known in the art.

Claim 10 and 11 are rejected based on claim 1.

Claim 12, 13, 14, 15, 16, 17, 18, 19, and 20 are rejected on the same basis as 3, 6, 2, 4, 5, 6, 7, 8, and 9 respectively.

Art Unit: 2162

Claim 21, 22, 23, and 24 are rejected on the same basis as claim 1, 3, 1, and 6 respectively.

Claim 25, 26, 27, 28, 29, 30 and 31 are rejected on the same basis as claim 1, 4, 6, 1, 8, 1, and 6.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2162

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hp

Dennis Myint
Examiner
AU-2162


JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100